## IN THE UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:	)
VICTOR MICHAEL MATICHKO, JR., and	)
MARYSSA ANNE MATICHKO,	) No. 18-24578
Debtors,	)
	) Chapter 13
	) ) Doc. No.
RONDA J. WINNECOUR, TRUSTEE,	)
Movants,	) Related to Doc. No. 93
vs.	)
VICTOR MICHAEL MATICHKO, JR., and	)
MARYSSA ANNE MATICHKO,	, )
Respondents.	, )

# NOTICE OF PROPOSED MODIFICATION TO CONFIRMED PLAN DATED OCTOBER 7, 2020

- 1. Pursuant to 11 U.S.C. § 1329, the Debtor has filed an Amended Chapter 13 Plan dated September 14, 2022, which is annexed hereto at Exhibit "A" (the "Amended Chapter 13 Plan"). Pursuant to the Amended Chapter 13 Plan, the Debtor seeks to modify the confirmed Plan in the following particulars: Increase Debtors' plan payment to cure the arrears in Debtors' Chapter 13 plan payments.
- 2. The proposed modification to the confirmed Plan will impact the treatment of the claims of the following creditors, and in the following particulars: *No creditors will be affected by the proposed modification*.
- 3. Debtor submits that the reason(s) for the modification is (are) as follows: **Debtors fell behind in plan payments due to a reduction of hours in Debtor's employment**.
- 4. The Debtor submits that the requested modification is being proposed in good faith, and not for any means prohibited by applicable law. The Debtor further submits that the proposed modification complies with 11 U.S.C. §§ 1322(a), 1322(b), 1325(a) and 1329 and, except as set forth above, there are no other modifications sought by way of the Amended Chapter 13 Plan.

WHEREFORE, the Debtor respectfully requests that the Court enter an Order confirming the Amended Chapter 13 Plan, and for such other relief the Court deems equitable and just.

RESPECTFULLY SUBMITTED, this 14th day of September, 2022.

/s/ Matthew R. Schimizzi

Matthew R. Schimizzi, Esquire Counsel for Debtors PA I.D. 307432 Schimizzi Law, LLC 35 W. Pittsburgh St. Greensburg, PA 15601

Phone: (724) 838-9722 Fax: (724) 837-7868

Email: mrs@schimizzilaw.com

Fill in this inf	ormation to identify				
Debtor 1	VICTOR First Name	MICHAEL Middle Name	MATICHKO, JR.	$\boxtimes$	Check if this is an amended
	First Name	Middle Name	Last Name		plan, and list below the sections of the plan that have
Debtor 2	MARYSSA	ANNE	MATICHKO		been changed.
(Spouse, if filing)	First Name	Middle Name	Last Name	2.1	· ·
United States Ba	ankruptcy Court for the	Western District of Per	nnsylvania		
Case numbe	r 18.24578-JAD				
(if known)					
2 11					_
	indicate that the	option is approp		Plans that do not	e of an option on the form does no comply with local rules and judicia red by the court.
	This form sets of indicate that the rulings may not	e option is approp be confirmable. Ti	riate in your circumstances.	Plans that do not onliness otherwise orde	comply with local rules and judicia
Γο Debtors:	This form sets of indicate that the rulings may not In the following no	e option is approp be confirmable. The otice to creditors, yo	riate in your circumstances. he terms of this plan control un u must check each box that appl	Plans that do not on the niess otherwise order ies.	comply with local rules and judicia
Γο Debtors:	This form sets of indicate that the rulings may not In the following not YOUR RIGHTS IN	e option is approp be confirmable. The otice to creditors, you	riate in your circumstances. The terms of this plan control under the terms of this plan control under the terms of this plan control under the terms of this plan. YOUR CLAIM and discuss it with your attorney if	Plans that do not onless otherwise order ies.  MAY BE REDUCED	comply with local rules and judiciered by the court.  , MODIFIED, OR ELIMINATED.
Part 1: Not	This form sets of indicate that the rulings may not In the following not YOUR RIGHTS IN You should read attorney, you may IF YOU OPPOSATTORNEY MUSTHE CONFIRMA PLAN WITHOUT	e option is approp be confirmable. The otice to creditors, your MAY BE AFFECTED this plan carefully are you wish to consult one E THIS PLAN'S TO ST FILE AN OBJECT ATION HEARING, LE	riate in your circumstances. The terms of this plan control under the terms of this plan control under the terms of this plan control under the terms of this plan. YOUR CLAIM and discuss it with your attorney if the terms of t	Plans that do not on the niess otherwise order ies.  MAY BE REDUCED if you have one in this in the nies of the nies in the nie	comply with local rules and judicial ared by the court.  I, MODIFIED, OR ELIMINATED.  IDENTIFY CASE. If you do not have a count of this plan, you or you do not have a count of the count o

The following matters may be of particular importance. Debtor(s) must check one box on each line to state whether the plan includes each of the following items. If the "Included" box is unchecked or both boxes are checked on each line, the provision will be ineffective if set out later in the plan.

1.1	A limit on the amount of any claim or arrearages set out in Part 3, which may result in a partial payment or no payment to the secured creditor (a separate action will be required to effectuate such limit)	☐ Included	Not Include
	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4 (a separate action will be required to effectuate such limit)	○ Included	Not Include
1.3	Nonstandard provisions, set out in Part 9	Included	Not Include
Part	2: Plan Payments and Length of Plan		

#### 2.1 Debtor(s) will make regular payments to the trustee:

Deptor(3) Wil	i illake regulai payillelits	to the trustee.		
Total amount follows:	of \$ <u>2,150</u> per	month for a remaining plan term	of <u>84</u> months shall be paid to t	the trustee from future earnings as
Payments	By Income Attachment	Directly by Debtor	By Automated Bank Transfer	
D#1	\$2,150.00	\$0.00	\$0.00	
D#2	\$0.00	\$0.00	\$0.00	
(Income attac	hments must be used by de	ebtors having attachable income)	(SSA direct deposit recipients onl	ly)

# 

2.2	Additional payments:							
	Unpaid Filing Fees. available funds.	The balance of \$	shal	l be fully paid by	the Trustee to	the Clerk of	the Bankruptcy	Court from the first
	Check one.							
	None. If "None" is cl	hecked, the rest of Section	n 2.2 need not be	e completed or r	eproduced.			
		nake additional payment each anticipated payment		ee from other s	ources, as spe	cified belov	v. Describe the	source, estimated
2.3 Pai	plus any additional so	e paid into the plan (pla urces of plan funding de Secured Claims			y the trustee b	ased on th	ne total amoun	t of plan payments
3.1	Maintenance of paymer	nts and cure of default, i	fany, on Long-	Term Continuir	ng Debts.			
	Check one.							
	None. If "None" is cl	hecked, the rest of Section	3.1 need not be	e completed or r	eproduced.			
	the applicable contra arrearage on a listed ordered as to any ite	aintain the current contraduct and noticed in conform d claim will be paid in ful em of collateral listed in the vill cease, and all secured	ity with any app I through disbur is paragraph, th	licable rules. T sements by the en, unless other	hese payments trustee, withou wise ordered by	will be dish t interest. the court,	ursed by the tru If relief from the all payments ur	ustee. Any existing e automatic stay is
	Name of creditor	Colla	teral		Current installm paymen (including		Amount of arrearage (if any)	Start date (MM/YYYY)
	Flagstar Bank	130 \	Vinfield Circle, G	Greensburg, PA	\$1,0	000.90	\$23,559.85	5
	Insert additional claims as	s needed.						
3.2	Request for valuation o	f security, payment of fu	ılly secured cla	ims, and modif	ication of unde	ersecured o	claims.	
	Check one.							
		hecked, the rest of Section		·	•			
		nis paragraph will be effe	•	• •		•		
	below.	quest, <b>by filing a separat</b>	e adversary pro	ceeaing, that tr	ie court determi	ne tne valu	e of the secured	ciaims listed
	For each secured claim I		,					
	The portion of any allower amount of a creditor's se unsecured claim under Pa		ow as having no	value, the cre	ditor's allowed o	claim will be	e treated in its	
	Name of creditor	Estimated amount of creditor's total claim (See Para. 8.7 below)	Collateral	Value of collateral	Amount of claims senior to creditor's claim	Amount o secured claim		Monthly payment to creditor
		\$0.00		\$0.00	\$0.00	\$0.00	0%	\$0.00

Insert additional claims as needed.

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3.3	Secured claims excluded from 11	•			
	Check one.				
	None. If "None" is checked, the	rest of Section 3.3 need not be	e completed or reproduced.		
	The claims listed below were eit	her:			
	(1) Incurred within 910 days before use of the debtor(s), or	the petition date and secured by	y a purchase money security inter	est in a motor ve	ehicle acquired for personal
	(2) Incurred within one (1) year of th	ne petition date and secured by	a purchase money security intere	st in any other th	ning of value.
	These claims will be paid in full under	er the plan with interest at the ra	ite stated below. These payments	will be disburse	d by the trustee.
	Name of creditor	Collateral	Amount of claim	Interest rate	Monthly payment to creditor
			\$0.00	0%	\$0.00
	Insert additional claims as needed.				
	Lien Avoidance.				
3.4					
3.4	Check one.				
3.4	Check one.  None. If "None" is checked, the effective only if the applicable			The remainder	r of this paragraph will be
3.4	None. If "None" is checked, the effective only if the applicable.  The judicial liens or nonpossess debtor(s) would have been entited the avoidance of a judicial lien of any judicial lien or security interference of the judicial lien or security interference.	e box in Part 1 of this plan is common sory, nonpurchase-money securited under 11 U.S.C. § 522(b). For security interest securing a classest that is avoided will be treated terest that is not avoided will be		listed below imping a separate it impairs such 5 to the extent a under the plan.	air exemptions to which the <i>motion</i> , that the court order exemptions. The amount of llowed. The amount, if any, See 11 U.S.C. § 522(f) and
3.4	None. If "None" is checked, the effective only if the applicable.  The judicial liens or nonpossess debtor(s) would have been entited the avoidance of a judicial lien of any judicial lien or security interference of the judicial lien or security interference.	e box in Part 1 of this plan is common sory, nonpurchase-money securited under 11 U.S.C. § 522(b). For security interest securing a classest that is avoided will be treated terest that is not avoided will be	rity interests securing the claims The debtor(s) will request, by fill aim listed below to the extent that ad as an unsecured claim in Part a paid in full as a secured claim u	listed below imping a separate it impairs such 5 to the extent a under the plan. ely for each lien.	air exemptions to which the <i>motion</i> , that the court order exemptions. The amount of llowed. The amount, if any, See 11 U.S.C. § 522(f) and
3.4	None. If "None" is checked, the effective only if the applicable.  The judicial liens or nonpossess debtor(s) would have been entited the avoidance of a judicial lien of any judicial lien or security interference of the judicial lien or security interference and provided in the security interference of the judicial lien or security interference and provided in the	shox in Part 1 of this plan is consory, nonpurchase-money secuted under 11 U.S.C. § 522(b). For security interest securing a class that is avoided will be treated the terest that is not avoided will be treated than one lien is to be avoided.	rity interests securing the claims The debtor(s) will request, by fill aim listed below to the extent that ed as an unsecured claim in Part e paid in full as a secured claim u d, provide the information separat  Modified principa	listed below imping a separate it impairs such 5 to the extent a under the plan. ely for each lien.	air exemptions to which the motion, that the court order exemptions. The amount of llowed. The amount, if any, See 11 U.S.C. § 522(f) and
3.4	None. If "None" is checked, the effective only if the applicable.  The judicial liens or nonpossess debtor(s) would have been entited the avoidance of a judicial lien of any judicial lien or security interference of the judicial lien or security interference and provided in the security interference of the judicial lien or security interference and provided in the	shox in Part 1 of this plan is consory, nonpurchase-money secuted under 11 U.S.C. § 522(b). For security interest securing a class that is avoided will be treated the terest that is not avoided will be treated than one lien is to be avoided.	rity interests securing the claims The debtor(s) will request, by fill aim listed below to the extent that ad as an unsecured claim in Part appearance paid in full as a secured claim u d, provide the information separat  Modified principal balance*	listed below imping a separate it impairs such 5 to the extent a under the plan. ely for each lien.	air exemptions to which the motion, that the court order exemptions. The amount, if any, See 11 U.S.C. § 522(f) and Monthly payment or pro rata
3.4	None. If "None" is checked, the effective only if the applicable.  The judicial liens or nonpossess debtor(s) would have been entited the avoidance of a judicial lien of any judicial lien or security interfect of the judicial lien or security interfect Bankruptcy Rule 4003(d). If modes is a second control of the property of the judicial lien or security interfect of the judicial lien or security interfect of the judicial lien or security interfect.	e box in Part 1 of this plan is consory, nonpurchase-money secuted under 11 U.S.C. § 522(b). For security interest securing a classification of the security interest securing a classification of the security interest security in the security interest that is avoided will be secured that is not avoided will be secured that one lien is to be avoided.  Collateral	rity interests securing the claims The debtor(s) will request, by fill aim listed below to the extent that de paid in full as a secured claim in d, provide the information separat  Modified principal balance*	listed below imping a separate it impairs such 5 to the extent a under the plan. ely for each lien.	air exemptions to which the motion, that the court order exemptions. The amount, if any, See 11 U.S.C. § 522(f) and Monthly payment or pro rata
	None. If "None" is checked, the effective only if the applicable.  The judicial liens or nonpossess debtor(s) would have been entiid the avoidance of a judicial lien of any judicial lien or security inter of the judicial lien or security into Bankruptcy Rule 4003(d). If mo	e box in Part 1 of this plan is consory, nonpurchase-money secuted under 11 U.S.C. § 522(b). For security interest securing a classification of the security interest securing a classification of the security interest security in the security interest that is avoided will be secured that is not avoided will be secured that one lien is to be avoided.  Collateral	rity interests securing the claims The debtor(s) will request, by fill aim listed below to the extent that de paid in full as a secured claim in d, provide the information separat  Modified principal balance*	listed below imping a separate it impairs such 5 to the extent a under the plan. ely for each lien.	air exemptions to which the motion, that the court order exemptions. The amount, if any, See 11 U.S.C. § 522(f) and Monthly payment or pro rata
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	None. If "None" is checked, the effective only if the applicable.  The judicial liens or nonpossess debtor(s) would have been entiid the avoidance of a judicial lien of any judicial lien or security inter of the judicial lien or security inter bankruptcy Rule 4003(d). If mode in the property of the judicial lien or security inter of the judicial lien or security interest and it is an applicable.  Name of creditor  Insert additional claims as needed.  *If the lien will be wholly avoided, insert additional claims as needed.	se box in Part 1 of this plan is consory, nonpurchase-money secuted under 11 U.S.C. § 522(b). For security interest securing a cleest that is avoided will be treated terest that is not avoided will be treated that one lien is to be avoided.  Collateral  Sert \$0 for Modified principal balance.	rity interests securing the claims The debtor(s) will request, by fill aim listed below to the extent that ed as an unsecured claim in Part e paid in full as a secured claim u d, provide the information separat  Modified principa balance*  \$0.00  ance.	listed below imping a separate it impairs such 5 to the extent a under the plan. ely for each lien.	air exemptions to which the motion, that the court order exemptions. The amount, if any, See 11 U.S.C. § 522(f) and Monthly payment or pro rata
	None. If "None" is checked, the effective only if the applicable.  The judicial liens or nonpossess debtor(s) would have been entited the avoidance of a judicial lien of any judicial lien or security interpose of the judicial lien or securi	e box in Part 1 of this plan is consory, nonpurchase-money secuted under 11 U.S.C. § 522(b). It is security interest securing a classest that is avoided will be treated terest that is not avoided will be tree than one lien is to be avoided.  Collateral  Beert \$0 for Modified principal balance rest of Section 3.5 need not be a to each creditor listed below they under 11 U.S.C. § 362(a) be a secret security.	rity interests securing the claims The debtor(s) will request, by fill aim listed below to the extent that ed as an unsecured claim in Part e paid in full as a secured claim u d, provide the information separat  Modified principa balance*  \$0.00  ance.	listed below imping a separate in it impairs such to to the extent a under the plan. ely for each lien.  Interest rate  0%	air exemptions to which the motion, that the court order exemptions. The amount of llowed. The amount, if any, See 11 U.S.C. § 522(f) and  Monthly payment or pro rata  \$0.00  debtor(s) request that upon tay under 11 U.S.C. § 1301
	None. If "None" is checked, the effective only if the applicable.  The judicial liens or nonpossess debtor(s) would have been entited the avoidance of a judicial lien of any judicial lien or security interpose of the judicial lien or securi	e box in Part 1 of this plan is consory, nonpurchase-money secuted under 11 U.S.C. § 522(b). It is security interest securing a classest that is avoided will be treated terest that is not avoided will be tree than one lien is to be avoided.  Collateral  Beert \$0 for Modified principal balance rest of Section 3.5 need not be a to each creditor listed below they under 11 U.S.C. § 362(a) be a secret security.	rity interests securing the claims The debtor(s) will request, by fill aim listed below to the extent that ed as an unsecured claim in Part e paid in full as a secured claim it d, provide the information separat  Modified principal balance*  \$0.00  ance.	listed below imping a separate in it impairs such to to the extent a under the plan. ely for each lien.  Interest rate  0%	air exemptions to which the motion, that the court order exemptions. The amount of llowed. The amount, if any, See 11 U.S.C. § 522(f) and  Monthly payment or pro rata  \$0.00  debtor(s) request that upon tay under 11 U.S.C. § 1301

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#### 3.6 Secured tax claims.

Name of taxing authority	Total amount of claim	Type of tax	Interest rate*	Identifying number(s) if collateral is real estate	Tax periods
	\$0.00		0%	-	

Insert additional claims as needed.

\* The secured tax claims of the Internal Revenue Service, Commonwealth of Pennsylvania, and any other tax claimants shall bear interest at the statutory rate in effect as of the date of confirmation.

Part 4:

**Treatment of Fees and Priority Claims** 

## 4.1 General.

Trustee's fees and all allowed priority claims, including Domestic Support Obligations other than those treated in Section 4.5, will be paid in full without postpetition interest.

#### 4.2 Trustee's fees.

Trustee's fees are governed by statute and may change during the course of the case. The trustee shall compute the trustee's percentage fees and publish the prevailing rates on the court's website for the prior five years. It is incumbent upon the debtor(s)' attorney or debtor (if *pro se*) and the trustee to monitor any change in the percentage fees to insure that the plan is adequately funded.

## 4.3 Attorney's fees.

Attorney's fees are payable to Schimizzi Law, LLC	In addition to a retainer of $\frac{2}{3}$	500 (of which \$3	310.00 was a
payment to reimburse costs advanced and/or a no-look costs deposi	t) already paid by or on behalf of	the debtor, the amount	of \$1,810.00 is
to be paid at the rate of \$_150.00 per month. Including any retai	ner paid, a total of \$ <u>0.00</u>	in fees and costs reimbu	ırsement has been
approved by the court to date, based on a combination of the r	io-look fee and costs deposit a	nd previously approved	l application(s) for
compensation above the no-look fee. An additional \$ Unknown v	vill be sought through a fee applic	cation to be filed and ap	proved before any
additional amount will be paid through the plan, and this plan conta	ins sufficient funding to pay that	additional amount, witho	out diminishing the
amounts required to be paid under this plan to holders of allowed uns	ecured claims.		
Check here if a no-look fee in the amount provided for in Local Ba	inkruptcy Rule 9020-7(c) is being	requested for services re	endered to the

debtor(s) through participation in the bankruptcy court's Loss Mitigation Program (do not include the no-look fee in the total amount of

# compensation requested, above). 4.4 Priority claims not treated elsewhere in Part 4.

None. If "None" is checked, the rest of Section 4.4 need not be completed or reproduced.

Name of creditor	Total amount of claim	Interest rate (0% if blank)	Statute providing priority status
	\$0.00	0%	

Insert additional claims as needed.

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4.5	<b>Priority Domestic Su</b>	pport Obligations not assi	gned or owed to a governmental unit.
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	If the debtor(s) is/are currently paying Domesti debtor(s) expressly agrees to continue paying an						
	Check here if this payment is for prepetition a	arrea	rages only.				
	Name of creditor (specify the actual payee, e.g. SCDU)	. PA	Description		Claim		Monthly payment or pro rata
					:	\$0.00	\$0.00
	Insert additional claims as needed.						
1.6	Domestic Support Obligations assigned or over Check one.  None. If "None" is checked, the rest of Section 2.1 be for a term of 60 members of the checked and the content of the checked and th	tion 4 are ba an th	.6 need not be com ased on a Domest ne full amount of th	pleted or reproduced. ic Support Obligati ne claim under 11 U	on that ha	s been assigi	
						\$0.00	
	Insert additional claims as needed.			_			
.7	Priority unsecured tax claims paid in full.						
	Name of taxing authority	Tota	l amount of claim	Type of tax		Interest rate (0% if blank)	Tax periods
			\$0.00			0%	
	Insert additional claims as needed.					-	

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**Treatment of Nonpriority Unsecured Claims** 

5.1	Nonpriority unsecured claims not separately classified.
	Debtor(s) <i>ESTIMATE(S)</i> that a total of \$7,800.00 will be available for distribution to nonpriority unsecured creditors.
	Debtor(s) <b>ACKNOWLEDGE(S)</b> that a <b>MINIMUM</b> of \$0.00 shall be paid to nonpriority unsecured creditors to comply with the liquidation alternative test for confirmation set forth in 11 U.S.C. § 1325(a)(4).
	The total pool of funds estimated above is <b>NOT</b> the <b>MAXIMUM</b> amount payable to this class of creditors. Instead, the actual pool of funds available for payment to these creditors under the plan base will be determined only after audit of the plan at time of completion. The estimated percentage of payment to general unsecured creditors is 12.95

## 5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims.

,,	,			
Check one.				
None. If "None" is checked, the rest of Section	n 5.2 need not be complet	ted or reproduced.		
The debtor(s) will maintain the contractual ins which the last payment is due after the final pamount will be paid in full as specified below a	plan payment. These pay	ments will be disbursed by		
Name of creditor	Current installment payment	Amount of arrearage to be paid on the claim	Estimated total payments by trustee	Payment beginning date (MM/ YYYY)

\$0.00

Insert additional claims as needed.

## 5.3 Postpetition utility monthly payments.

The provisions of Section 5.3 are available only if the utility provider has agreed to this treatment. These payments comprise a single monthly combined payment for postpetition utility services, any postpetition delinquencies, and unpaid security deposits. The claim payment will not change for the life of the plan. Should the utility obtain a court order authorizing a payment change, the debtor(s) will be required to file an amended plan. These payments may not resolve all of the postpetition claims of the utility. The utility may require additional funds from the debtor(s) after discharge.

\$0.00

\$0.00

Name of creditor	Monthly payment	Postpetition account number
	\$0.00	

Insert additional claims as needed.

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5.4	Other separately classified r	nonpriority unsecured claims.					
	Check one.						
	None. If "None" is checked, the rest of Section 5.4 need not be completed or reproduced.						
	The allowed nonpriority ur	The allowed nonpriority unsecured claims listed below are separately classified and will be treated as follows:					
	Name of creditor	Basis for separate cla treatment	ssification and	Amount of arrearage to be paid	rate pa	stimated total syments r trustee	
				\$0.00	0%	\$0.00	
	Insert additional claims as nee	ded.					
Pai	rt 6: Executory Contrac	cts and Unexpired Leases					
6.1	and unexpired leases are rejected.  Check one.  None. If "None" is checked, the rest of Section 6.1 need not be completed or reproduced.  Assumed items. Current installment payments will be disbursed by the trustee. Arrearage payments will be disbursed by the trustee.						
	Name of creditor	Description of leased property or executory contract	Current installment payment	Amount of arrearage to be paid	Estimated total payments by trustee	Payment beginning date (MM/ YYYY)	
			\$0.00	\$0.00	\$0.00		
	Insert additional claims as nee	ded.	_				
Pai	rt 7: Vesting of Propert	and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts ejected.  Red, the rest of Section 6.1 need not be completed or reproduced.  Interpolation installment payments will be disbursed by the trustee. Arrearage payments will be disbursed by the trustee. Description of leased property or executory contract    Description of leased property or executory contract   Current   Amount of arrearage to be payments by trustee   Payment beginning date (MM/YYYYY)					
7.1	Property of the estate shall n	ot re-vest in the debtor(s) until the d	ebtor(s) have co	mpleted all payments	under the confi	rmed plan.	

## Part 8: General Principles Applicable to All Chapter 13 Plans

- 8.1 This is the voluntary chapter 13 reorganization plan of the debtor(s). The debtor(s) understand and agree(s) that the chapter 13 plan may be extended as necessary by the trustee (up to any period permitted by applicable law) to insure that the goals of the plan have been achieved. Notwithstanding any statement by the trustee's office concerning amounts needed to fund a plan, the adequacy of plan funding in order to meet the plan goals remains the sole responsibility of debtor(s) and debtor(s)' attorney. It shall be the responsibility of the debtor(s) and debtor(s)' attorney to monitor the plan to ensure that the plan remains adequately funded during its entire term.
- 8.2 Prior to the meeting of creditors, the debtor(s) shall comply with the tax return filing requirements of 11 U.S.C § 1308 and provide the trustee with documentation of such compliance by the time of the meeting. Debtor(s)' attorney or debtor(s) (if pro se) shall provide the trustee with the information needed for the trustee to comply with the requirements of 11 U.S.C. § 1302 as to the notification to be given to Domestic Support Obligation creditors, and debtor(s)' attorney or debtor(s) (if pro se) shall provide the trustee with the calculations relied upon to determine the debtor(s)' current monthly income and disposable income.
- 8.3 The debtor(s) shall have a duty to inform the trustee of any assets acquired while the chapter 13 case is pending, such as insurance proceeds, recovery on any lawsuit or claims for personal injury or property damage, lottery winnings, or inheritances. The debtor(s) must obtain prior court approval before entering into any postpetition financing or borrowing of any kind, and before selling any assets.

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- **8.4** Unless otherwise stated in this plan or permitted by a court order, all claims or debts provided for by the plan to receive a distribution shall be paid by and through the trustee.
- 8.5 Percentage fees to the trustee are paid on receipts of plan payments at the rate fixed by the United States Trustee. The trustee has the discretion to adjust, interpret, and implement the distribution schedule to carry out the plan, provided that, to the extent the trustee seeks a material modification of this plan or its contemplated distribution schedule, the trustee must seek and obtain prior authorization of the court. The trustee shall follow this standard plan form sequence unless otherwise ordered by the court:

Level One: Unpaid filing fees.

Level Two: Secured claims and lease payments entitled to 11 U.S.C. § 1326(a)(1)(C) pre-confirmation adequate protection payments.

Level Three: Monthly ongoing mortgage payments, ongoing vehicle and lease payments, installments on professional fees, and

postpetition utility claims.

Level Four: Priority Domestic Support Obligations.

Level Five: Mortgage arrears, secured taxes, rental arrears, vehicle payment arrears.

Level Six: All remaining secured, priority and specially classified claims, and miscellaneous secured arrears.

Level Seven: Allowed nonpriority unsecured claims.

Level Eight: Untimely filed nonpriority unsecured claims for which an objection has not been filed.

- 8.6 As a condition to the debtor(s)' eligibility to receive a discharge upon successful completion of the plan, debtor(s)' attorney or debtor(s) (if pro se) shall file Local Bankruptcy Form 24 (Debtor's Certification of Discharge Eligibility) with the court within forty-five (45) days after making the final plan payment.
- 8.7 The provisions for payment to secured, priority, and specially classified unsecured creditors in this plan shall constitute claims in accordance with Bankruptcy Rule 3004. Proofs of claim by the trustee will not be required. In the absence of a contrary timely filed proof of claim, the amounts stated in the plan for each claim are controlling. The clerk shall be entitled to rely on the accuracy of the information contained in this plan with regard to each claim. Unless otherwise ordered by the court, if a secured, priority, or specially classified creditor timely files its own claim, then the creditor's claim shall govern, provided the debtor(s) and debtor(s)' attorney have been given notice and an opportunity to object. The trustee is authorized, without prior notice, to pay claims exceeding the amount provided in the plan by not more than \$250.
- 8.8 Any creditor whose secured claim is not modified by this plan and subsequent order of court shall retain its lien.
- 8.9 Any creditor whose secured claim is modified or whose lien is reduced by the plan shall retain its lien until the underlying debt is discharged under 11 U.S.C. § 1328 or until it has been paid the full amount to which it is entitled under applicable nonbankruptcy law, whichever occurs earlier. Upon payment in accordance with these terms and entry of a discharge order, the modified lien will terminate and be released. The creditor shall promptly cause all mortgages, liens, and security interests encumbering the collateral to be satisfied, discharged, and released.
- 8.10 The provisions of Sections 8.8 and 8.9 will also apply to allowed secured, priority, and specially classified unsecured claims filed after the bar date. LATE-FILED CLAIMS NOT PROPERLY SERVED ON THE TRUSTEE AND THE DEBTOR(S)' ATTORNEY OR DEBTOR(S) (IF PRO SE) WILL NOT BE PAID. The responsibility for reviewing the claims and objecting where appropriate is placed upon the debtor(s).

# Part 9: Nonstandard Plan Provisions 9.1 Check "None" or List Nonstandard Plan Provisions. None. If "None" is checked, the rest of part 9 need not be completed or reproduced. Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Local Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are ineffective.

The following plan provisions will be effective only if the applicable box in Part 1 is checked. Any provision set forth herein is subject to court approval after notice and a hearing upon the filing of an appropriate motion.

Joint Debtor's father purchased vehicle for Joint Debtor's use. Joint Debtor is reimbursing father for currently vehicle loan payments at \$230.00 per month. Payments to be made outside of Plan.

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Part 10: Si

**Signatures** 

## 10.1 Signatures of Debtor(s) and Debtor(s)' Attorney.

If the debtor(s) do not have an attorney, the debtor(s) must sign below; otherwise the debtor(s)' signatures are optional. The attorney for the debtor(s), if any, must sign below.

By signing this plan the undersigned, as debtor(s)' attorney or the debtor(s) (if pro se), certify(ies) that I/we have reviewed any prior confirmed plan(s), order(s) confirming prior plan(s), proofs of claim filed with the court by creditors, and any orders of court affecting the amount(s) or treatment of any creditor claims, and except as modified herein, this proposed plan conforms to and is consistent with all such prior plans, orders, and claims. False certifications shall subject the signatories to sanctions under Bankruptcy Rule 9011.

By filing this document, debtor(s)' attorney or debtor(s) (if pro se), also certify(ies) that the wording and order of the provisions in this chapter 13 plan are identical to those contained in the standard chapter 13 plan form adopted for use by the United States Bankruptcy Court for the Western District of Pennsylvania, other than any nonstandard provisions included in Part 9. It is further acknowledged that any deviation from the standard plan form shall not become operative unless it is specifically identified as a "nonstandard" term and is approved by the court in a separate order.

<b>X</b> /s/ Victor Michael Matichko, Jr.	X /s/ Maryssa Anne Matichko		
Signature of Debtor 1	Signature of Debtor 2		
Executed onSep 9, 2022	Executed on Sep 9, 2022		
MM/DD/YYYY	MM/DD/YYYY		
<b>X</b> /s/ Matthew R. Schimizzi	DateSep 14, 2022		
Signature of debtor(s)' attorney	MM/DD/YYYY		